

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

BERKSHIRE SETTLEMENTS, INC.,  
A Georgia Corporation, and  
CHURCH STREET NOMINEES, LTD.  
A Cayman Islands Corporation,

CASE NO.: 09-CV-0006 (FB) (JO)

Plaintiffs

v.

ALEXANDER ASHKENAZI,  
An Individual and as Trustee for  
HALPERT ALEXANDER TRUST,  
A New York Trust,  
MALI HALPERT, an Individual,  
JOHN HANCOCK LIFE INSURANCE COMPANY  
A Foreign Corporation, and  
CAMBRIDGE SETTLEMENTS, LLC  
A New York Corporation.

Defendants.

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**BERKSHIRE SETTLEMENTS, INC. and**  
**CHURCH STREET NOMINEES, LTD. ANSWER TO**  
**DEFENDANT'S MALI HALPERT COUNTERCLAIM**

Plaintiffs, BERKSHIRE SETTLEMENTS, INC. (hereinafter "Berkshire") and CHURCH STREET NOMINEES, LTD. (hereinafter "CSN"), (Berkshire and CSN may hereinafter be collectively referred to as "Plaintiffs") answer the counterclaim filed by Defendant, Mali Halpert (hereinafter "Halpert"), and state as follows:

1. Plaintiffs admit the truth of the allegations contained in paragraph #1 of the counterclaim.
2. Plaintiffs admit the truth of the allegations contained in paragraph #2 of the counterclaim.

3. Plaintiffs deny the truth of the allegations contained in paragraph #3 of the counterclaim.

4. Plaintiffs admit that the Assured Fund is a Cayman Islands corporation but deny the remainder of the allegations contained in paragraph #4 of the counterclaim.

5. Plaintiffs admit that PSL is a Cayman Islands corporation but deny the remainder of the allegations contained in paragraph #5 of the counterclaim.

6. Plaintiffs deny the truth of the allegations contained in paragraph #6 of the counterclaim.

7. Plaintiffs admit the truth of the allegations contained in paragraph #7 of the counterclaim.

8. Plaintiffs are without sufficient information to form a belief as to the truth of the allegations contained in paragraph #8 of the counterclaim and deny same.

9. Plaintiffs admit the truth of the allegations contained in paragraph #9 of the counterclaim.

10. Plaintiffs admit the truth of the allegations contained in paragraph #10 of the counterclaim.

11. Plaintiffs are without sufficient information to form a belief as to the truth of the allegations contained in paragraph #11 of the counterclaim and deny same.

12. Plaintiffs deny the truth of the allegations contained in paragraph #12 of the counterclaim.

13. Plaintiffs admit the truth of the allegations contained in paragraph #13 of the counterclaim.

14. Plaintiffs admit the truth of the allegations contained in paragraph #14 of the counterclaim.

15. Plaintiffs are without sufficient information to form a belief as to the truth of the allegations contained in paragraph #15 of the counterclaim and deny same.

16. Plaintiffs are without sufficient information to form a belief as to the truth of the allegations contained in paragraph #16 of the counterclaim and deny same.

17. Plaintiffs admit the truth of the allegations contained in paragraph #17 of the counterclaim.

18. Plaintiffs are without sufficient information to form a belief as to the truth of the allegations contained in paragraph #18 of the counterclaim and deny same.

19. Plaintiffs admit the truth of the allegations contained in paragraph #19 of the counterclaim.

20. Plaintiffs admit the truth of the allegations contained in paragraph #20 of the counterclaim.

21. Plaintiffs admit the truth of the allegations contained in paragraph #21 of the counterclaim.

22. Plaintiffs admit the truth of the allegations contained in paragraph #22 of the counterclaim.

23. Plaintiffs are without sufficient information to form a belief as to the truth of the allegations contained in paragraph #23 of the counterclaim and deny same.

24. Plaintiffs are without sufficient information to form a belief as to the truth of the allegations contained in paragraph #24 of the counterclaim and deny same.

25. Plaintiffs are without sufficient information to form a belief as to the truth of the allegations contained in paragraph #25 of the counterclaim and deny same.

26. Plaintiffs are without sufficient information to form a belief as to the truth of the allegations contained in paragraph #26 of the counterclaim and deny same.

27. Plaintiffs are without sufficient information to form a belief as to the truth of the allegations contained in paragraph #27 of the counterclaim and deny same.

28. Plaintiffs are without sufficient information to form a belief as to the truth of the allegations contained in paragraph #28 of the counterclaim and deny same.

29. Plaintiffs are without sufficient information to form a belief as to the truth of the allegations contained in paragraph #29 of the counterclaim and deny same.

30. Plaintiffs are without sufficient information to form a belief as to the truth of the allegations contained in paragraph #30 of the counterclaim and deny same.

31. Plaintiffs are without sufficient information to form a belief as to the truth of the allegations contained in paragraph #31 of the counterclaim and deny same.

32. For their response to paragraph #32 of the counterclaim, Plaintiffs admit having been able to discover summaries of other life insurance policies on the life of Mali Halpert as is alleged in the Plaintiffs Third Amended Complaint.

33. Plaintiffs are without sufficient information to form a belief as to the truth of the allegations contained in paragraph #33 of the counterclaim and deny same.

34. Plaintiffs are without sufficient information to form a belief as to the truth of the allegations contained in paragraph #34 of the counterclaim and deny same.

35. Plaintiffs are without sufficient information to form a belief as to the truth of the allegations contained in paragraph #35 of the counterclaim and deny same.

36. Plaintiffs admit the truth of the allegations contained in paragraph #36 of the counterclaim.

37. Plaintiffs admit the truth of the allegations contained in paragraph #37 of the counterclaim.

38. Plaintiffs are without sufficient information to form a belief as to the truth of the allegations contained in paragraph #38 of the counterclaim and deny same.

39. Plaintiffs are without sufficient information to form a belief as to the truth of the allegations contained in paragraph #39 of the counterclaim and deny same.

40. Plaintiffs are without sufficient information to form a belief as to the truth of the allegations contained in paragraph #40 of the counterclaim and deny same.

41. Plaintiffs reaffirm and reallege their rhetorical responses to paragraphs 1 to 40 herein.

42. Plaintiffs are without sufficient information to form a belief as to the truth of the allegations contained in paragraph #42 of the counterclaim and deny same.

I hereby certify that on February 2, 2010, the foregoing document was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Eastern District's Local Rules, and/or the Eastern District's Rules on Electronic Service upon the following parties and participants: William Waldner, Co-counsel for Plaintiff, [william@waldnerlaw.com](mailto:william@waldnerlaw.com); Robert L. Rimberg, Counsel for Halpert [rlr@grlawpllc.com](mailto:rlr@grlawpllc.com), Joe Grob, Counsel for Halpert, [joeg@grlawpllc.com](mailto:joeg@grlawpllc.com); Eric B. Post, Counsel for Hancock, [epost@kelleydrye.com](mailto:epost@kelleydrye.com).; Brian J. Green, Counsel for Cambridge, [bgreen@eapdlaw.com](mailto:bgreen@eapdlaw.com).

/s/ Charles P. Randall

Charles P. Randall  
Lead Counsel for Plaintiff  
1200 N. Federal Hwy., #209  
Boca Raton, Fl. 33432  
TEL: (561) 750-5050  
FAX: (561) 750-7272  
email: [chuck@cprattorney.com](mailto:chuck@cprattorney.com)